

## **REMARKS**

Claims 9, 13, and 20 have been previously cancelled. Claims 12, 14-19, 21, and 22 are cancelled via the present amendment. The claims remaining in the application are 1-8, 10, and 11.

Claim 1 has been amended to correct a few grammatical errors.

### **The Rejection of Claims 1 and 10:**

Claims 1 and 10 stand rejected under 35 U.S.C. 103(b) as being anticipated by Nordeen et al. in view of Thomas et al. The rejection is respectfully traversed for the following reasons A-C.

#### **A. There Is An Improper Combination Of Art Because The Function Of The Primary Reference's Teaching Is Changed Or Destroyed With The Combination.**

The Examiner suggests that it would have been obvious to modify plastic sheet of Nordeen et al. by plasma etching "to increase the adherence of the polymeric sheet to other surfaces." However, Nordeen et al. discloses that the first step of the process involves application of an ink-receptive layer to a temporary support (the polymeric sheet that the Examiner suggests might be plasma etched). Nordeen et al. goes on to propose that a thermoplastic release layer may be used between the temporary support and the ink receptive layer to provide assistance for release of the ink receptive layer from the support (Column 6, lines 41-46).

So, in the instant case, the Examiner is suggesting that it would be obvious to modify Nordeen et al. in a manner to increase the adherence of the polymeric sheet, while Nordeen et al. is actually proposing ways to decrease the adhesive effect of the layer so that the temporary support and the ink receptive layer can be easily separated. Clearly the references are incapable of being combined because the function of the primary reference would be changed or destroyed.

#### **B. The Prior Art Teaches Away From The Claimed Invention.**

As suggested above, it is important in the image transfer method of Nordeen et al. that the ink receptive layer be easily released from the polymeric support sheet, and Nordeen et al. even contemplates the use of a release layer there between. Thus, Nordeen et al. teaches away from using a plasma etching technique designed to increase adhesion, when its teaching is to provide easy

release of the layers. “[A] reference must have been considered in its entirety, for disclosures which taught away from the invention as well as disclosures which directed one skilled in the art towards the claimed subject matter.” *Ashland Oil, Inc. v. Delta Resins & Refractories, Inc.* 227 USPQ 657,666 (Fed. Cir., 1985).

**C. The References In Combination Do Not Disclose The Claimed Invention.**

Nordeen et al. relates to a process for transferring an ink-receptor layer from a temporary support to a final substrate (also referred to as a “final receptor” and as a “final support”). The first step of the process involves application of the ink-receptive layer to the temporary support, possibly with a thermoplastic release layer there between. The ink-receptive layer is laminated face down on the final substrate. Finally, the temporary support is peeled away; leaving the ink-receptive layer adhered to the final substrate.

The final substrate of Nordeen et al. is disclosed as “a variety of substrates including mock-ups for packaging and other materials that would not be capable of receiving an image directly in an ink-jet printer (see the abstract). Elsewhere in Nordeen et al., the final substrate is described as being “cloth, polymeric film, paper, glass, cardboard, metal sheeting, etc.” It is this “final substrate” of Nordeen et al. to which the following comments will be directed.

The Examiner’s statement of what is disclosed by Nordeen et al. does not reflect an understanding of what is claimed. In Claim 1 of the present application, the structure that receives the image is called “pre-laminated receiver stock,” and is denoted in Figure 5 of the present application by reference numeral 230. According to Claim 1, the pre-laminated receiver stock (230) is formed by laminating a pre-laminate sheet of material consisting of a first thermoplastic layer (304) and a first support layer (150) to a plasma etched sheet of plastic material (350). Finally the first support layer (150) is removed, leaving what amounts to a pre-laminated receiver stock (230).

The final receptor of Nordeen et al. is disclosed only as “a variety of substrates including mock-ups for packaging and other materials that would not be capable of receiving an image directly in an ink-jet printer” and “cloth, polymeric film, paper, glass, cardboard, metal sheeting, etc.” Accordingly, Nordeen et al. fail to anticipate Claim 1. That is, the process described in the preceding paragraph is not anticipated by Nordeen et al.’s disclosure of either “a variety of substrates including mock-ups for packaging and other materials that

would not be capable of receiving an image directly in an ink-jet printer” or “cloth, polymeric film, paper, glass, cardboard, metal sheeting, etc.”

Thus, the rejections of Claims 1, 10, 12 and 21 are respectfully traversed on the basis that elements missing from Nordeen et al. are not disclosed by Thomas et al.

**The Rejection of Claims 2-8 and 11:**

Claim 2 stands rejected under 35 U.S.C. 103(a) as unpatentable over Nordeen et al. and Thomas et al. and further in view of Sasaki. The rejection is respectfully traversed. First, Claim 2 depends from Claim 1 and is patentable therewith. Further, Claim 2 further defines the support layer (150) that, together with first thermoplastic layer (304), makes up the pre-laminate sheet of material. Specifically, the support layer (150) is further defined in Claim 2 as comprised of a support base (314) and a release layer (274). The Examiner acknowledges that Nordeen et al. does not disclose this layered structure for the support layer, but notes that Sasaki discloses a support layer that comprises a support base and a release layer. However, this reasoning fails to take into account that the primary reference fails to disclose laminating a pre-laminate sheet of material consisting of a first thermoplastic layer (304) and a first support layer (150) to a coated sheet of plastic material (330), and then removing the first support layer (150) to leave what amounts to a pre-laminated receiver stock (230). Since there is no disclosure in Nordeen et al. of a support layer (150), the secondary references to Thomas et al. and Sasaki that is purported to disclose a support base and a release layer can not be used to suggest modification of a element that is not present in the primary reference.

Claim 3, which stands rejected under 35 U.S.C. 103(a) as unpatentable over Nordeen et al. and Thomas et al. and further in view of Sasaki, depends from Claim 1 is allowable at least for the same reasons as Claim 1. The secondary references to Thomas et al. and Sasaki fail to disclose, in conceptual terms, the information undisclosed by the primary reference to Nordeen et al. Assuming *arguendo* that the references might be capable of combination, there is at least one limitation in the claimed invention that is not disclosed by the references individually or in combination.

Claim 4 stands rejected under 35 U.S.C. 103(a) as unpatentable over Nordeen et al. and Thomas et al. and further in view of Sasaki and Kolobow.

Claim 4 depends from Claim 1 and is allowable at least for the same reasons as Claim 1. The secondary references to Thomas et al., Sasaki, and Kolobow fail to disclose the information undisclosed by the primary reference to Nordeen et al. Assuming *arguendo* that the references might be capable of combination, there is at least one limitation in the claimed invention that is not disclosed by the references individually or in combination.

Claims 5 and 6 stand rejected under 35 U.S.C. 103(a) as unpatentable over Nordeen et al. and Thomas et al. and further in view of Pilu. Claims 5 and 6 depend from Claim 1 and are allowable at least for the same reasons as Claim 1. The secondary reference to Thomas et al. and Pilu fail to disclose the information undisclosed by the primary reference to Nordeen et al. Assuming *arguendo* that the references might be capable of combination, there is at least one limitation in the claimed invention that is not disclosed by the references individually or in combination.

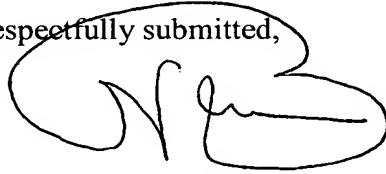
Claims 7 and 8 stand rejected under 35 U.S.C. 103(a) as unpatentable over Nordeen et al. and Thomas et al. and further in view of Yamaguchi. Claims 7 and 8 depend from Claim 1 and are allowable at least for the same reasons as Claim 1. The secondary reference to Thomas et al. and Yamaguchi fail to disclose the information undisclosed by the primary reference to Nordeen et al. Assuming *arguendo* that the references might be capable of combination, there is at least one limitation in the claimed invention that is not disclosed by the references individually or in combination.

Claim 11 stands rejected under 35 U.S.C. 103(a) as unpatentable over Nordeen et al. and Thomas et al. and further in view of Johnson et al. Claim 11 depends from Claim 1 and is allowable at least for the same reasons as Claim 1. The secondary references to Thomas et al. and Johnson et al. fail to disclose the information undisclosed by the primary reference to Nordeen et al. Assuming *arguendo* that the references might be capable of combination, there is at least one limitation in the claimed invention that is not disclosed by the references individually or in combination.

**Conclusion:**

In view of the foregoing, it is believed none of the references, taken singly or in combination, disclose the claimed invention. Accordingly, this application is believed to be in condition for allowance, the notice of which is respectfully requested.

Respectfully submitted,



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